

ORDINANCE NO. 1104 – 2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A REZONING FROM P-2 CHURCH USE TO R-1B SINGLE FAMILY RESIDENTIAL OF A CERTAIN ±0.24 ACRE PARCEL OF LAND LOCATED AT 427 S. ESPLANADE DRIVE IN THE CITY OF MIAMI SPRINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Springs (the “City” or “Applicant”), is requesting a rezoning from “P-2 Church Use” to “R-1B Single Family Residential” for a ± 0.24 acre parcel of property located at 427 S. Esplanade Road (the “Property”), as legally described in **Exhibit “A”** attached hereto, (the “Rezoning Application”); and

WHEREAS, after careful review and deliberation, City Staff has determined that the proposed Rezoning is in compliance with the City’s Land Development Code, as set forth in the City Staff’s Report and Recommendations, which is attached hereto and incorporated herein as **Exhibit “B”** (the “Staff Report”); and

WHEREAS, on March 26, 2018, the City Council conducted a quasi-judicial hearing and received testimony and evidence related to the Rezoning Application from the Applicant and other persons, and found that the proposed Rezoning is consistent with the Comprehensive Plan and is in the best interest of the City’s residents; and

WHEREAS, the City Council has reviewed the Staff Report, which contains data and analysis supporting the proposed Rezoning; and

WHEREAS, the City Council finds that the proposed Rezoning is consistent with the City’s Comprehensive Plan and Land Development Code, as adopted and supported by City Staff and the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT:

Section 1. Recitals. The above-stated recitals are hereby adopted, confirmed, and incorporated herein by this reference.

Section 2. Approval of Rezoning. The City Council hereby approves rezoning the Property from “P-2 Church Use” to “R-1B Single Family Residential.”

Section 3. Effective Date. This Ordinance shall be effective immediately upon adoption of the Final Non-Appealable Order approving Ordinance No -2018 (the FLUM Amendment Ordinance for the subject Property). If the FLUM Amendment Ordinance is not ultimately approved, this Ordinance shall be void ab initio.

PASSED ON FIRST READING this 12th day of March, 2018, on a motion made by Councilwoman Zapata and seconded by Councilman Petralanda.

PASSED AND ADOPTED ON SECOND READING this 26th day of March, 2018, on a motion made by Councilman Best and seconded by Vice Mayor Mitchell.

Vice Mayor Maria Puente Mitchell	<u>YES</u>
Councilwoman Bob Best	<u>YES</u>
Councilwoman Mara Zapata	<u>ABSENT</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

ATTEST:

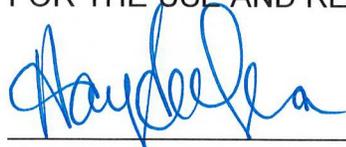


ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK




BILLY BAIN, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTION

The Southwesterly 91 feet of Tract "A" of Miami Springs Baptist Church, according to the Plat thereof, as recorded in Plat Book 76, Page 71, of the Public Records of Miami-Dade County, Florida.

EXHIBIT B

CITY STAFF'S REPORT AND RECOMMENDATIONS

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT



201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5030
Fax: (305) 805-5036

STAFF REPORT

TO: City Council

FROM: Christopher Heid, City Planner

DATE: March 12, 2018

SUBJECT: Application for Rezoning and Comprehensive Plan Amendment

APPLICANT: City of Miami Springs on behalf of the property owner,
Miami Springs Baptist Church

ADDRESS: 427 S. Esplanade Drive

ZONING DISTRICT: P-2, Church Use

REQUEST: The applicant is seeking an amendment to the Future Land Use Element of the Comprehensive Plan and a Rezoning for a 10,685 square foot property at 427 S. Esplanade Drive as follows:

1. Requests an amendment to the Comprehensive Plan Future Land Use Map category from Religious Institution to Single Family Residential.
2. Requests a rezoning from P-2, Church Use to R-1B, Residential Single Family.

THE PROPERTY: The property is generally rectangular in shape, with a width of 90 feet fronting on S. Esplanade Drive, and a width of 91.77 feet on a 16 foot wide alley at the rear. The property depth is 108 feet on the north and 126 feet on the south, for an average depth of 117 feet. The property is 10,685 square feet in size. A one story, 1,944 square foot residence is located on the property.

The Church also owns an adjacent parcel to the immediate north, at the SE corner of S. Esplanade Drive and Hibiscus Drive. That parcel is 9,746 square feet in size, and contains an asphalt paved parking lot. The zoning on this parcel is P-2, Church Use, and the Future Land Use Map category is Religious Institution, and will remain as such.

THE PROJECT: As noted, the City is the applicant on behalf of the Miami Springs Baptist Church. The property was originally used as a residence for the Church's Pastor. The church now wishes to sell the property for continued use as a single family residence.

However, as this property was a part of the overall church use, it was assigned a P-2, Church Use zoning designation. Additionally, when the State mandated the City adopt a Comprehensive Plan, including Future Land Use Map designations, this property was assigned a use of Religious Institution.

As such, both the Future Land Use Map category and the zoning district designation must be changed for this property to be properly sold to a private buyer.

These changes represent a fairly significant down zoning of the property, as in addition to the use as a single family residence, the P-2 Zoning District also allows "any building used for church services, Sunday school instruction, or other activities directly connected with the normal operation of a church". (See attached **Exhibit 5**).

A rezoning of the property to R-1B would allow only a single family residence and related accessory structures.

HISTORY: The two adjacent parcels owned by the Church were originally platted as Lots 26, 27, 28 and 29 of Section 1 of Country Club Estates in 1927. (See attached **Exhibit 1**).

In 1933, Lots 26, 27 and 28 were combined and re-platted as Tract "A" with a parcel size of 0.29 acres. (See attached **Exhibit 2**).

In 1962, the property was again re-platted, this time incorporating Lot 29, the lot at the corner of S. Esplanade Drive and Hibiscus Drive. The re-plat was again called Tract "A", now with a parcel size of 0.47 acres. (See attached **Exhibit 3**).

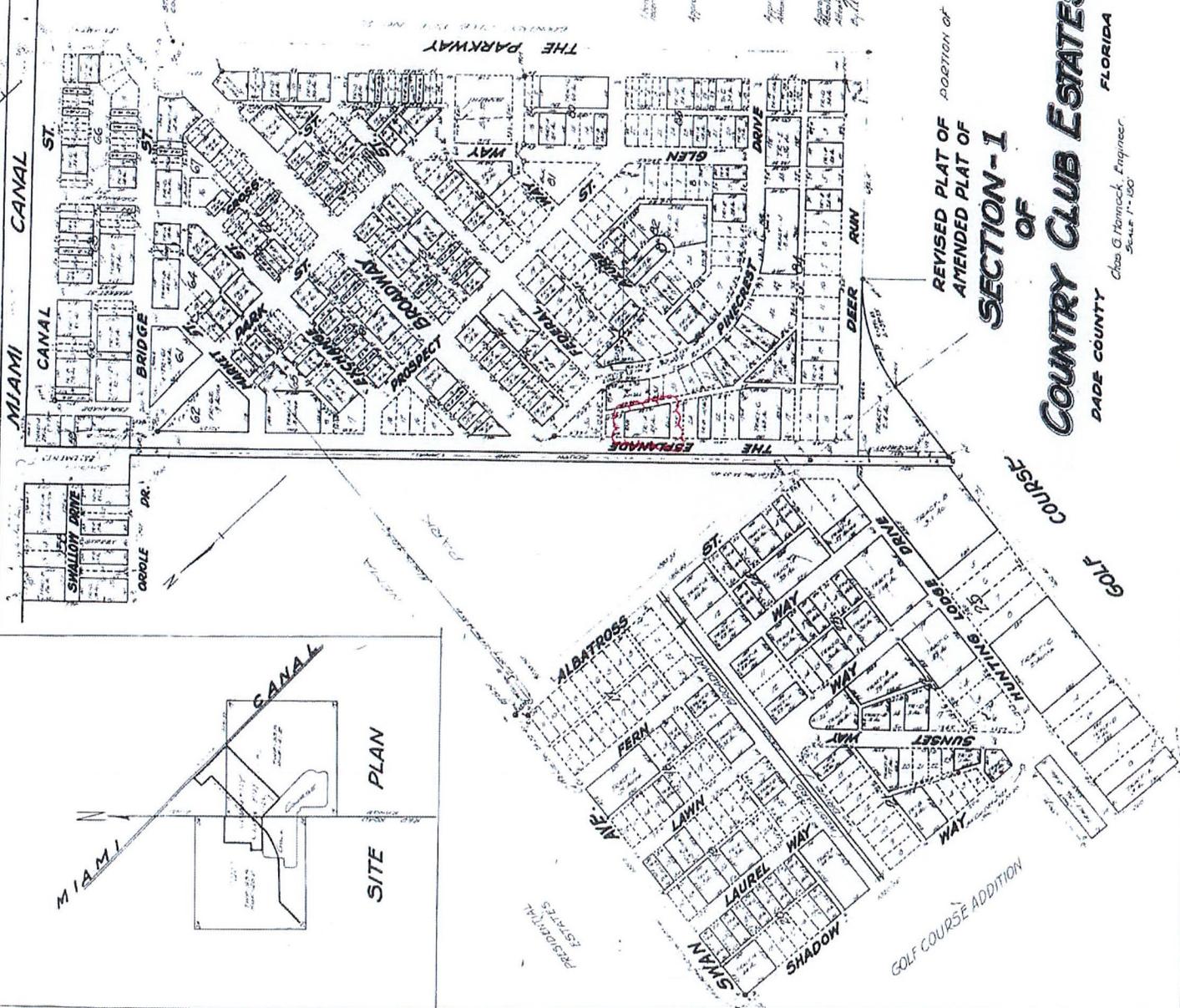
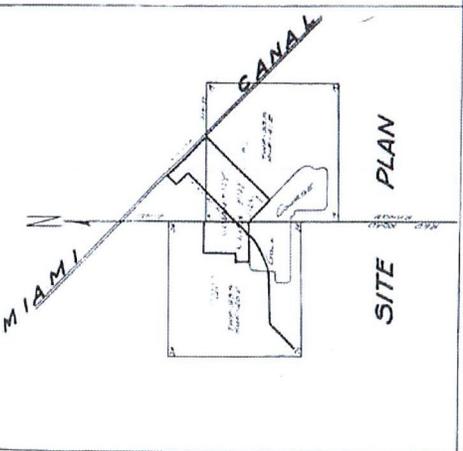
In 2017, Tract "A" was divided into two parcels, Parcel 1, 9,746 square feet in size with the asphalt parking lot, and Parcel 2, 10,685 square feet in size, with the single family residence. (See attached **Exhibit 4**).

ANALYSIS: As noted the requested changes significantly reduce the type and intensity of permitted uses from those currently allowed. Further, it would reduce the maximum permitted building height from 40 feet to 30 feet, and would return the property to the tax rolls, from its current tax exempt status.

Finally, the proposed changes would protect the adjacent single family neighborhood from further incursion by church uses, and assure that the property be used only for a single family residence in the future.

RECOMMENDATION: It is recommended that the request for Comprehensive Plan Amendment and Rezoning be approved.

34-39



REVISED PLAT OF PORTION OF
 AMENDED PLAT OF
SECTION - I
 OF

COUNTRY CLUB ESTATES

FLORIDA

DADE COUNTY

Chas. G. Hornock, Engineer
 SCALE 1" = 50'

Raymond...

APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, ON THIS 15th DAY OF MARCH, 1954.

APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, ON THIS 15th DAY OF MARCH, 1954.

APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, ON THIS 15th DAY OF MARCH, 1954.

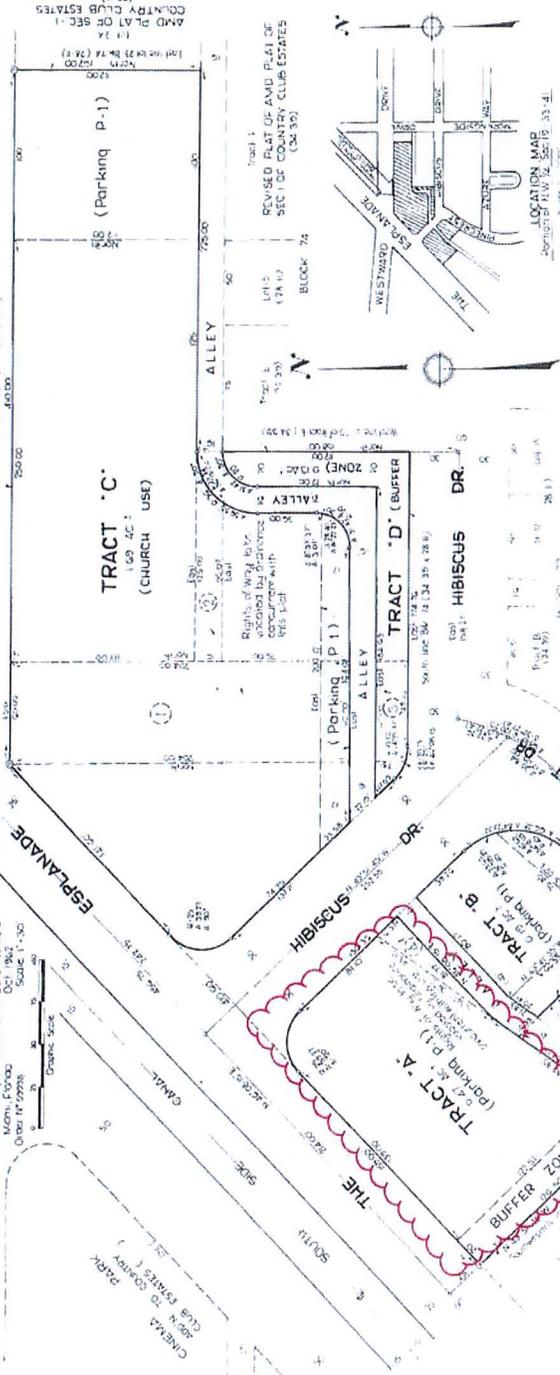
APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, ON THIS 15th DAY OF MARCH, 1954.

APPROVED FOR RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, ON THIS 15th DAY OF MARCH, 1954.

Miami Springs Baptist Church

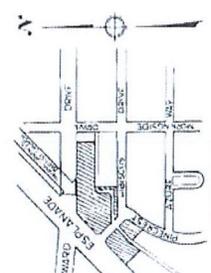
Form a replat of a portion of AMENDED PLAT OF SEC. 1 OF COUNTRY CLUB ESTATES (PB 28 11) and a portion of REVISED PLAT OF AMENDED PLAT OF SEC. 1 OF COUNTRY CLUB ESTATES (PB 34 39) in Sec. 19 Twp 55 S Rpt. 411 Miami Springs Dade County Florida

GARY C. SHAWNEE & ASSOCIATES, INC.
LAND SURVEYORS, ENGINEERS & LAND PLANNERS
Miami, Florida
Order 11-10288 Scale 1"=50'



76-71

The Plat was prepared by the book...
By **Gary C. Shawnee & Associates, Inc.**
Approved by **James H. ...**
Approved by **...**



STATE OF FLORIDA...
COUNTY OF DADE...
I, **...** Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my office...

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County at Miami, Florida, this 1st day of May, 1962.

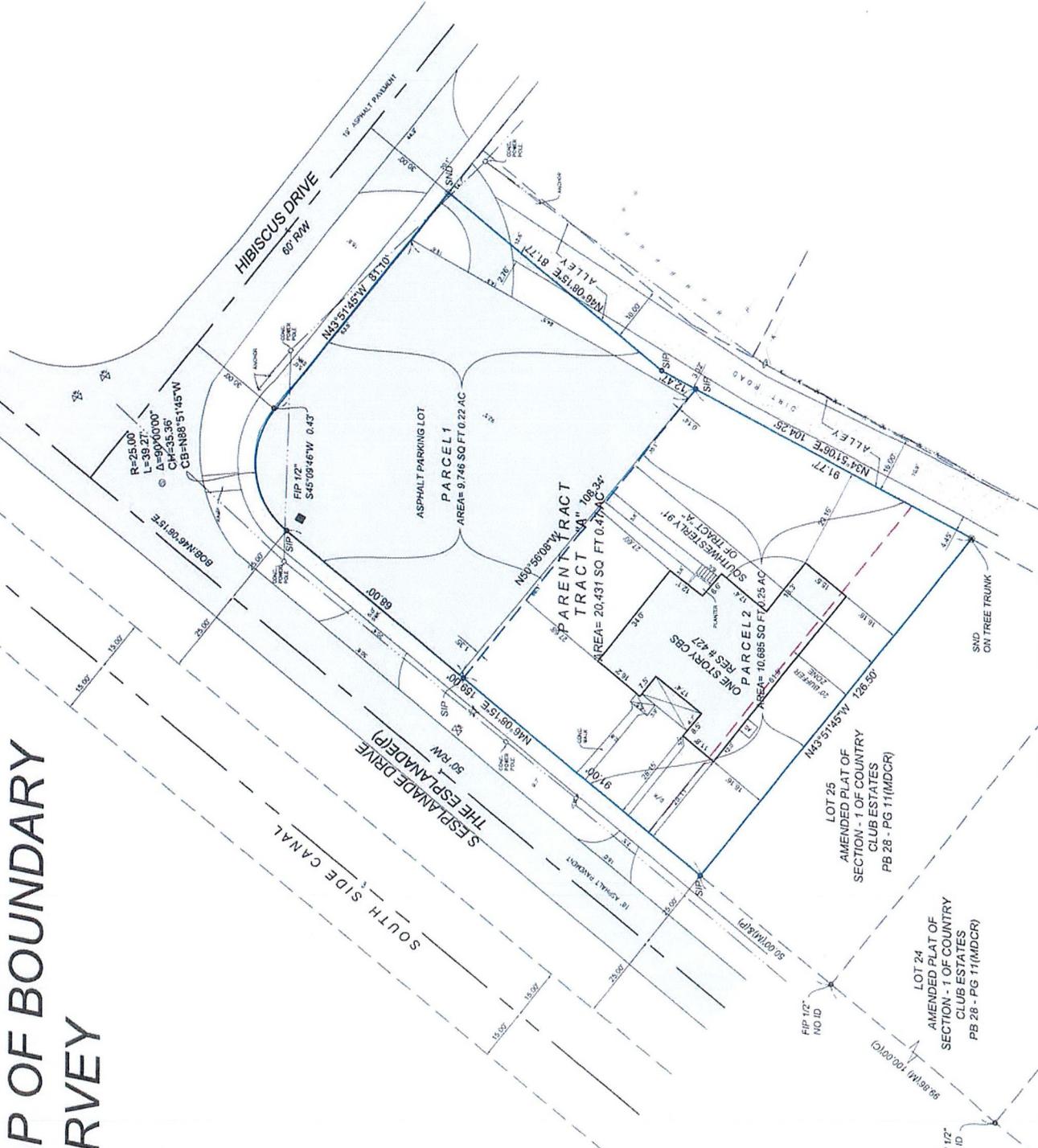
WITNESSES:
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MAP OF BOUNDARY SURVEY



suarez surveying & mapping, inc.
15150 SW 18th Street, Miami, Florida 33186
Tel: 305.598.1789
www.suarezsurveying.com



LEGEND

ABBREVIATIONS:

- A - ANGLE (AS SHOWN)
- B - BEARING
- C - CHAIN
- D - DISTANCE
- E - ELEVATION
- F - FOOTING
- G - GRADE
- H - HORIZONTAL
- I - INTERSECTION
- J - JUNCTION
- K - KNOT
- L - LINE
- M - METER
- N - NORTH
- O - OBTUSE
- P - POINT
- Q - QUARTER
- R - RADIUS
- S - SURFACE
- T - TANGENT
- U - UTILITY
- V - VERTICAL
- W - WEST
- X - X-BEARING
- Y - Y-BEARING
- Z - Z-BEARING

SYMBOLS:

- 1. SURVEY POINT
- 2. BOUNDARY LINE
- 3. ADJACENT PROPERTY
- 4. EASEMENT
- 5. UTILITY LINE
- 6. FENCE
- 7. DRIVE
- 8. SIDEWALK
- 9. CURB
- 10. DRIVE CURB
- 11. DRIVE SIDEWALK
- 12. DRIVE PAVEMENT
- 13. DRIVE GRASS
- 14. DRIVE ASPHALT
- 15. DRIVE CONCRETE
- 16. DRIVE BRICK
- 17. DRIVE STONE
- 18. DRIVE GRAVEL
- 19. DRIVE SAND
- 20. DRIVE DIRT
- 21. DRIVE GRAVEL
- 22. DRIVE ASPHALT
- 23. DRIVE CONCRETE
- 24. DRIVE BRICK
- 25. DRIVE STONE
- 26. DRIVE GRAVEL
- 27. DRIVE SAND
- 28. DRIVE DIRT
- 29. DRIVE GRAVEL
- 30. DRIVE ASPHALT
- 31. DRIVE CONCRETE
- 32. DRIVE BRICK
- 33. DRIVE STONE
- 34. DRIVE GRAVEL
- 35. DRIVE SAND
- 36. DRIVE DIRT
- 37. DRIVE GRAVEL
- 38. DRIVE ASPHALT
- 39. DRIVE CONCRETE
- 40. DRIVE BRICK
- 41. DRIVE STONE
- 42. DRIVE GRAVEL
- 43. DRIVE SAND
- 44. DRIVE DIRT
- 45. DRIVE GRAVEL
- 46. DRIVE ASPHALT
- 47. DRIVE CONCRETE
- 48. DRIVE BRICK
- 49. DRIVE STONE
- 50. DRIVE GRAVEL
- 51. DRIVE SAND
- 52. DRIVE DIRT
- 53. DRIVE GRAVEL
- 54. DRIVE ASPHALT
- 55. DRIVE CONCRETE
- 56. DRIVE BRICK
- 57. DRIVE STONE
- 58. DRIVE GRAVEL
- 59. DRIVE SAND
- 60. DRIVE DIRT

SURFACE:

- 1. ASPHALT CONCRETE PAVEMENT
- 2. ASPHALT
- 3. CONCRETE
- 4. BRICK
- 5. STONE
- 6. GRAVEL
- 7. SAND
- 8. DIRT
- 9. GRAVEL
- 10. ASPHALT
- 11. CONCRETE
- 12. BRICK
- 13. STONE
- 14. GRAVEL
- 15. SAND
- 16. DIRT

SURVEYOR'S NOTES:

1. THIS SURVEY REFERS TO 1929 NATIONAL GEODETIC VERTICAL DATUM (NGVD 29).
2. NO ATTEMPT WAS MADE TO LOCATE FOOTINGS/FOUNDATIONS, OR TO DETERMINE THE EXISTENCE OF ANY UNDERGROUND UTILITIES OR EASEMENTS.
3. THE LANDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED IN ANY PUBLIC RECORDS OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
4. EASEMENTS ARE SHOWN, UNLESS OTHERWISE NOTED.
5. UNLESS OTHERWISE NOTED, ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
6. UNLESS OTHERWISE NOTED, ALL BEARINGS ARE TRUE BEARINGS.
7. UNLESS OTHERWISE NOTED, ALL ANGLES ARE INTERIOR ANGLES.
8. UNLESS OTHERWISE NOTED, ALL CURVES ARE CIRCULAR.
9. UNLESS OTHERWISE NOTED, ALL CURVES ARE OPEN.
10. UNLESS OTHERWISE NOTED, ALL CURVES ARE TO THE RIGHT.
11. TYPE OF SURVEY: BOUNDARY

SURVEYOR'S CERTIFICATE:

I, **Juan A. Suarez**, a duly Licensed Professional Engineer in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey and plat as shown to me by the client, and that the same conform to the requirements of the Florida Administrative Code pursuant to Section 472.237 Florida Statute.

Juan A. Suarez
Professional Engineer
No. 12345
State of Florida

LEGAL DESCRIPTION:

PARCEL 1 OF TRACT "A", SECTION 1 OF COUNTRY CLUB ESTATES, AMENDED PLAT OF SECTION - 1 OF COUNTRY CLUB ESTATES, PB 28 - PG 11 (MDCR), LOT 25, AMENDED PLAT OF SECTION - 1 OF COUNTRY CLUB ESTATES, PB 28 - PG 11 (MDCR), LOT 24, AMENDED PLAT OF SECTION - 1 OF COUNTRY CLUB ESTATES, PB 28 - PG 11 (MDCR).

PROPERTY ADDRESS:

427 S. ESPANOLA DRIVE, MIAMI SPRINGS, FLORIDA 33166

DATE OF SURVEY: 06/07/2017
FILE #: P-1719
PROJECT: SUAREZ 2017
CLIENT: MAM SPRINGS BAPTIST CHURCH
PARTY ENG.: MAM SPRINGS BAPTIST CHURCH
SHEET # OF: 1

CREATED: 06/07/2017
BY: JAS

CREATED: 06/07/2017
BY: JAS

CREATED: 06/07/2017
BY: JAS

EXHIBIT 5

§ 150-090

ZONING CODE

- (3) Any site upon which a golf course is developed shall be landscaped and maintained in a neat and clean, live, healthy, and growing condition, properly watered and trimmed, free of any refuse, structure, or debris, for a distance of not less than 100 feet from any abutting property zoned for residential use.
- (4) All uses in the P-1 district shall provide the parking as determined to be required in the sole and exclusive discretion of the City.
- (5) The site development plan for a plot in the P-1 district shall provide for an arrangement and location of uses and facilities on the plot as to give maximum possible separation from, and protection to, contiguous and nearby residential property. Where the nature of the activities or facilities on the plot presents any potential hazard or detriment to contiguous residential properties from noise, glare, odors, smoke, vibration, flying objects, or traffic, protection to the contiguous residential properties shall be provided in the form of open space, fences, walls, hedges, enclosures, or by such other means as may be appropriate and effective to prevent or minimize the hazards.

(Ord. 599-77, passed 3-28-77; amend. Ord. 1076-2015, passed 1-12-15)

Sec. 150-091. P-2 church use only.

(A) *Uses permitted.* Any building used for church services, Sunday school instruction, or other activities directly connected with the normal operation of a church.

(B) *Building height limits.* The maximum building height shall be 40 feet.

(C) *Site.* The minimum building site shall be governed by the number of off-street parking spaces which the site will accommodate, in proportion to the size of the building, as provided by this chapter, and subject to the limitations as herein provided for front, rear, and side yard requirements.

(D) *Front, side, and rear yard requirements.* No structure in this area shall be built closer than 30 feet to the exterior property lines of the minimum building site as herein required.

(E) *Signs.* See Signs, § 150-030.

(F) *Parking standards and requirements.* See § 150-016.

(Code 1962, § 25-18; amend. Ord. 184.24, passed 9-8-58; amend. Ord. 599-77, passed 3-28-77; amend. Ord. 760-90, passed 3-26-90)

Sec. 150-092. Nonconforming uses.

(A) A nonconforming use of a building, or portion thereof, or of land, which use existed lawfully at the time of adoption or subsequent amendment of this chapter, may be continued, provided that:

- (1) No building which has been damaged by fire, explosions, act of God, or the public enemy, to the extent of more than 50 percent of the replacement value of the building immediately prior to the damage, shall be restored, except in conformity with the requirements of this chapter.